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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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Brian Kamrowski

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EXAMINER

MAIS, MARK A

ART UNIT

PAPER NUMBER

2664

DATE MAILED: 10/07/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/835,806	Applicant(s) KAMROWSKI, BRIAN	
	Examiner Mark A Mais	Art Unit 2664	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
 - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
 - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
 - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 16 April 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>27 November 2002</u> . | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Information Disclosure Statement

1. The information disclosure statement (IDS) submitted on November 27, 2002 was filed after the mailing date of the Application on April 16, 2001. The submission is in compliance with the provisions of 37 CFR 1.56 and 1.97. Accordingly, the examiner considered the information disclosure statement.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-12 are rejected under 35 U.S.C. 102(b) as being anticipated by Chuah et al. (USP 6,735,190).

4. With regard to claims 1-2, Chuah et al. discloses a method of sending information via a network of computers, comprising:

receiving an information packet [**fig. 8, an MPLS-label packet routed between Label Switched Routers (LSRs, templated in fig. 4), specifically, at LSR-7**]; identifying a plurality of addresses corresponding to the information packet [**LSR-7 to LSR-1 to ITS-1, destination-based merging, col. 9, lines 10-20**]; determining an acceptable next destination for each address of the plurality of addresses [**fig. 8, LSR-1 then ITS-1, col. 10, lines 1-3**]; selecting addresses

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having first network device as the acceptable addresses **[fig. 8, LSR-1, the destination IP address, col. 9, line 55 to col. 10, line 3]**; and providing a bundled packet the first network device, the bundled packet including the selected addresses and the information packet **[examiner interprets the bundles packet as the merged packet flow at LSR-7, with the IP headers removed and only a common MPLS label, col. 9, lines 20-30]**.

receiving the bundled packet at the first network device **[fig. 8, LSR-1]**;

determining, for each address in the bundled packet, an acceptable next destination **[ITS-1, col. 10, line 55-67]**; choosing addresses in the bundled packet having a second network device as the acceptable next destination to provide a group of chosen addresses **[ITS-1, col. 10, lines 50-53]**; and

providing a new bundled packet to the second network device **[the packets MPLS-label is updated and conveyed in the Advertisement message, col. 11, lines 17-24]**, the new bundled packet including the group of chosen addresses and the information packet **[address is ITS-1; the payloads remain the same, internet telephone call]**;

5. With regard to claims 3-7, Chuah et al. discloses determining whether the second network device is capable of interpreting bundled packets; and if the second network device is determined to be capable of interpreting bundled packets, providing a new bundled packet to the second network device, the new bundled packet including the group of chosen addresses and the information packet **[examiner interprets the bundles packet as the merged packet flow at LSR-7, with the IP headers removed and only a common MPLS label, col. 9, lines 20-30]**. Moreover, not all IP networks completely support MPLS. Thus, if there is an LSR, the

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packets can be bundled. However, if not, and there is only an IP router, the packet's IP header remains intact, with only the packet's destination, col. 7, lines 19-29. Thus, it is inherent that the unbundled packets are transported to their destinations via IP routing along with their payload—especially in the case where the packet has no more LSRs to travel to (i.e., “a second network device is determined not to reside between the user and the first network”) before it's final destination (or user)].

6. With regard to claim 8, Chuah discloses a method of sending information over a communication network, comprising: receiving an information packet having a first and second address [fig. 10, LRS-4 receives merged packets from ITS-4 destined for ITS-1 (col. 14, lines 21-22) and for ITS-2 (col. 14, lines 39-40)];

determining whether both the first address [ITS-1] and the second address [ITS-2] are reachable via a first network device [fig. 10, LSR-4]; and if both the first address [ITS-1] and the second address [ITS-2] are determined to be reachable via the first network device [LSR-4], providing a bundled packet including the first address, the second address and the information packet [the updated packet is then sent to LSR-7, col. 14, lines 28 and 46, respectively]; determining whether both the first address [ITS-1] and the second address [ITS-2] are reachable via a second network device [LSR-7]; determining whether the second network device is capable of interpreting bundled packets [LSR-7]; and if the first address [ITS-1] and the second address [ITS-2] are determined to be reachable via the second network device [LSR-7], and the second network device [LSR-7] is determined to be capable of interpreting bundled packets [if there is an LSR, the packets can be bundled. However, if not, and there is only an IP router, the

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packet's IP header remains intact, with only the packet's destination, col. 7, lines 19-29.

Thus, it is inherent that the unbundled packets are transported to their destinations via IP routing along with their payload—especially in the case where the packet has no more LSRs to travel to before it's final destination (or user)], providing the bundled packet to the second network device [the packets MPLS-label is updated and conveyed in the Advertisement message, as discussed for claim 1 above] .

7. With regard to claims 9-12, Chuah et al. discloses, that if both the first address and the second address are determined not be reachable via the second network device, then determining whether the first address is reachable via the second network device; and if both the first address and the second address are not reachable via the second network device, providing unbundled packet to the second network device, each of the unbundled packets including the first address and the information packet and the second address and the information packet (**discussed for claims 3-7 above. If there is an LSR that can do more than IP routing (i.e., MPLS labeling), the packets can be bundled. However, if not, or if there is only an IP routing available, the each packets' IP header remains intact, with only the packets' destination, col. 7, lines 19-29. Thus, it is inherent that the unbundled packets are transported to their destinations via IP routing along with their payload—especially in the case where the packet has no more LSRs to travel to (i.e., “a second network device is determined not to reside between the user and the first network”) before it's final destination (or user)]].**

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 13-20 rejected under 35 U.S.C. 103(a) as being unpatentable over Chuah et al. as applied to claims 1-12 above.

10. With regard to claims 13-20, (a) Chuah et al does not specifically disclose a packet-building device, comprising: routing table, an analysis circuit, a bundled packet construction circuit, and an unbundled packet construction circuit; and, moreover, (b) Chuah et al. does not specifically disclose a server and a first network device. However, such circuitry and components are well-known in the art. For example, the routers, already disclosed in Chuah et al. [fig. 5], comprise a routing table and an analysis circuit. Moreover, the label switched routers (LSRs) [fig. 5], also comprise bundling and unbundling packet construction circuits in order to do the required label-switching on packets. Thus, it would have been obvious to one of ordinary skill in the art at the time of the invention to have constructed circuit elements and/or programmed software in order to accomplish the methods disclosed in Chuah et al.

Conclusion

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mark A Mais whose telephone number is (571) 272-3139. The examiner can normally be reached on 8:00-4:30.

12. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wellington Chin can be reached on (703) 305-4366. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

13. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

September 29, 2004

A handwritten signature in black ink, appearing to read 'Mark A. Mais', with a long horizontal flourish extending to the right.